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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE VILLAREAL-GALAVIZ,

Defendant.

Case No.: 2:10-CR-00555-RLH-RJJ

**AMENDED
MOTION TO ALLOW RECORDING OF
VIDEO STATEMENT INSIDE
NEVADA SOUTHERN DETENTION
CENTER**

The defendant, JOSE VILLAREAL-GALAVIZ (VILLAREAL-GALAVIZ), through his attorney, Gabriel L. Grasso, brings this Motion to allow the recording of a video statement by the defendant inside of NSDC. This Motion is made pursuant to Federal Rule of Criminal Procedure 32 and based upon all of the papers and pleadings on file herein.

1. Sentencing in this case is set for September 9, 2011.

2. As part of the sentencing preparations in this case, the defense plans to present the court with a DVD diary of information relevant to the ultimate sentencing decision.

3. This DVD presentation will be no more than 10 minutes in duration and specifically targeted to issues, which the Court may consider important to fashioning a sentence which complies with the mandates of 18 U.S.C. § 3553(a).

4. Part of the DVD will be a statement by the defendant to the court. Defense counsel has found that many times a video statement by a defendant taken at home or within the familiar confines of a detention center allows for a more natural and organized presentation, as opposed to what is the very intimidating process of a defendant making his sentencing statement to the court inside a federal courtroom.

1 5. The defense has obtained the services of a student filmmaker to produce
2 the DVD. This filmmaker is defense counsel's 21-year-old son, Sean D. Grasso, who is a
3 film student at Pacific University in Forest Grove, Oregon. Assisting Sean will be Defense
4 counsel's 22-year-old son Christopher L. Grasso, who has a Psychology degree from
5 Pacific University and will be starting Law School at UNLV this fall.

6 6. The original Motion in this case was filed during the week of June 27, 2011.
7 Undersigned counsel had use of the video crew during that week. An NSDC visit was
8 scheduled for the end of the week on Friday, July 1, 2011. Unfortunately, the order was
9 not signed in time for the scheduled visit, and NSDC staff would not allow VILLAREAL-
10 GALAVIZ to participate in a video interview. Following the July 1, 2011 aborted attempt,
11 undersigned counsel lost use of his video crew when his sons returned to college in
12 Oregon during the rest of the month of July.

13 7. Undersigned counsel currently has a scheduled visit to VILLAREAL-
14 GALAVIZ at NSDC on Friday, July 29, 2011. His sons are returning from Oregon and will
15 be available to video the interview during this visit. For this reason, this Amended Motion
16 is being filed.

17 8. Although VILLAREAL-GALAVIZ is being represented under the CJA, this
18 entire video effort will be donated to the case and in no way billed to the Government
19 other than the normal attorney time and travel expense associated with a regular NSDC
20 visit.

21 9. Defense Counsel plans to film VILLAREAL-GALAVIZ within an NSDC
22 visiting room. All recording will begin and end inside this visiting room. No other part of
23 the interior of NSDC will be video recorded.

24 10. No materials other than notes and a professional video camera will be used.
25 No lights or boom microphones will be required.

26 11. The entire process will take approximately 45 minutes to complete. The
27 expected finished defendant statement will be no more than 5 minutes.

28 12. Contact was made with NSDC administration, and defense counsel was told
that no videotaping would be allowed inside of the facility without a court order.

13. Defense counsel requests a court order allowing defense counsel, Sean Grasso, and Christopher Grasso, to enter NSDC with the necessary notes, files, and video equipment to complete a video statement of VILLAREAL-GALAVIZ inside of an NSDC visiting room.

DATED this 27th day of July, 2011.

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/s/
GABRIEL L. GRASSO, Esq.

UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOSE VILLAREAL-GALAVIZ,)
)
 Defendant.)
 _____)

Case No.: 2:10-CR-00089-GMN-LRL

ORDER

Based upon the submitted Motion by the defense, and good cause appearing therefore, the Court finds:

IT IS HEREBY ORDERED that the attorney for JOSE VILLAREAL-GALAVIZ, Gabriel L. Grasso, be allowed to record a video statement of his client within a contact visiting room at the Nevada Southern Detention Center (NSDC). Also with Attorney Grasso will be Sean D. Grasso and Christopher L. Grasso as the video crew to assist in the filming of the recorded statement. This order does not authorize any recording outside

1 of the visiting room, although the visiting room provided should have the capacity to fit 4
2 people and equipment. This order shall expire on July 31, 2011.

3 DATED this 28th day of July, 2011.

4
5 
6 UNITED STATES MAGISTRATE JUDGE